

REMARKS

Claims 1–13 are currently pending in the application. Claims 1, 6, and 8 have been amended to better emphasize the patentable novelty of the invention. Likewise, Claims 10, 11, 12, and 13 have been added to provide Applicant with the coverage to which he is entitled. No new matter is added.

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,058,373 to Blinn et al. This rejection is respectfully traversed for the reason that it would not be obvious to one of ordinary skill in the art, having knowledge of Blinn et al. or the other references of record, to arrive at the claimed invention.

The claimed invention comprises a system for on-line shopping by which a customer who cannot, or does not wish to, make electronic payment for a purchase on-line may nonetheless shop on-line by identifying goods for purchase from an on-line merchant but then making payment at a store, which may or may not be affiliated with the on-line merchant, before the goods are shipped.

As detailed in the claims, an on-line shopping session takes place via a “first terminal” at the user’s home or another place of the user’s choosing, which is connected to a “commerce provider server” via the Internet or another network. (Claims 1, 3, 6-9) There is no requirement in the claims that the first terminal must be a computer or computer terminal or that network connection must be a physical connection such as through a wire or fiber optic connection; instead, the terminal could just as easily be through a cellular telephone or personal digital assistant, and the network connection could be either wired or wireless.

The claims do not require the commerce provider server to be a constituent of the on-line merchant’s ordering system, and the claims do not require the commerce provider server to be operated by the on-line merchant. The functionality of the commerce provider server may simply be that of “a storing unit for storing selected goods information in correspondence with identification numbers.” (Claim 2, 6-9) Nothing in the claims would prevent a single commerce provider server from acting as a service provider for multiple

on-line merchants or from servicing multiple second terminal locations. Nor would anything in the claims prevent a single store from acting as a second terminal location for multiple commerce provider servers.

Once the user, in an on-line shopping session occurring at a place of the user's choosing, has selected goods for purchase, the commerce provider server issues an "identification number" to the user to identify the transaction so that settlement can be made at a store, which need not be affiliated with the on-line merchant. (Claim 1, 4, 6-9) At the store, the identification number is input to a "second terminal" to identify the specific transaction and the amount due so that payment can be made. (Claims 1, 4, 6, 8) While the specification uses the example of payment at a convenience store, none of the claims is so limited; the claims cover payment at any type of store. Stores offering such payment services might also include, for example, currency exchanges or other stores offering financial services to persons without bank accounts. Nothing in the claims would require payment to be made to a cashier as opposed to, for example, payment through a second terminal that is built into a vending machine. Claim 5, for example, would facilitate the printing of a receipt in connection with such an automated transaction.

The claims do not require that the second terminal have capabilities other than those needed for "transmitting said identification number to said commerce provider server and receiving said selected goods information from said commerce provider server to acknowledge said selected goods information." (Claim 1) The functionality of the second terminal could thus be incorporated into a cash register at a convenience store, currency exchange, or other store or establishment. The identification number could then be input to the cash register, the amount due to the on-line merchant received from the commerce provider server and displayed on the cash register, and a record of payment of the amount due transmitted to the commerce provider server after payment is made. The second terminal may also be capable of printing the selected goods information in correspondence with identification numbers obtained from the commerce provider server (Claims 2, 4-5), such as would be useful for generating a receipt, among

other things. Thus, while the preferred embodiment and the figures suggest the use of a multimedia terminal as the second terminal, the claims do not require it.

In contrast to the claimed invention, Blinn et al. involves a system and method for processing electronic order forms to allow users to purchase goods over a distributed network, such as the Internet. Blinn et al. does not teach a separation of the on-line shopping session from a subsequent off-line or partially off-line payment session. In addition, it is implicit in Blinn et al. that payment for the goods identified for purchase are made to the on-line merchant offering them for sale, while the claimed invention involves a separate payment transaction at a store which may be unaffiliated with the on-line merchant.

The Examiner erroneously equates the “electronic merchandizing system” 100 in Blinn et al. with the “commerce provider server” 3 of the claimed invention. The electronic merchandizing system of Blinn et al. involves the connection of consumer clients to a “merchant system” 104 incorporating certain specific attributes including “HTML structures” 128, a “store server process” 106, and a “database” 130. The commerce provider server of the claimed invention, by contrast, may comprise simply “a storing unit for storing selected goods information in correspondence with identification numbers” (Claim 2).

Similarly, the Examiner mistakenly equates the “store server process” 106 of Blinn et al. with the second terminal (or “multimedia terminal” 2B) of the claimed invention. The store server process of Blinn et al. is a complex process for receiving and processing orders through multiple steps 120, 122, 124, 126, and 132, detailed therein. In the claimed invention, by contrast, the capability of the second terminal (or multimedia terminal) may be limited to “transmitting said identification number to said commerce provider server and receiving said selected goods information from said commerce provider server to acknowledge said selected goods information.” (Claim 1)

The use of “databases” 130, an “order” 124, a “order processing module” 126, and a “dynamic page generator” 120 in Blinn et al. is not suggestive of features of the claimed invention, despite the conclusion reached by the Examiner. The dynamic page generator, for example, is described at column 8, lines 39-40,

of Blinn et al. as relating to the generation of web pages to display goods for sale on a customer's client browser and does not relate to printing, as in Claim 5 of the claimed invention, notwithstanding the nomenclature *page generator*. Similarly, the databases, order, and order processing module described in Blinn et al. relate to aspects of an on-line merchant's order processing activity, or the architecture of an on-line merchant's order processing system, and do not suggest features of the claimed invention, such as the first terminal, the commerce provider server, or the second terminal.

The use of multiple computer systems in Blinn et al. does not suggest the use of the first and second terminals in the claimed invention, since the function of the first and second terminals is wholly outside the scope of what is claimed or suggested in Blinn et al. In Blinn et al., multiple consumer clients 110 and 110' may use a single electronic merchandizing system to order goods from a merchant system. Thus, while Blinn et al. may involve multiple computer systems, those systems are in no way suggestive of the first and second terminals of the claimed invention because they do not separate the selection of goods to be purchased from the payment for those goods. Nothing in Blinn et al. suggests either that process of selecting goods might be separated from the process of paying for them or that any person might find such a separation to be useful.

Finally, the Examiner too quickly jumps to the conclusion that the "merchant system" 104 of Blinn et al. "is either inherently or **obviously** 'in store' and thus the new rejection under 35 USC 103" (emphasis in the original). The Applicant respectfully points out that the reference to "merchants" in Blinn et al. does not necessarily imply the existence of a merchant operating a store or similar physical place of business, especially in light of the fact that those making use of the invention of Blinn et al. are necessarily on-line merchants, many of whom (apparently including Amazon.com) do not operate stores. By contrast, the claimed invention enables those who cannot, or do not wish to, make electronic payment for goods on-line to order goods from on-line merchants and then make payment at a store, which is not necessarily affiliated with the on-line merchant but which may instead be a convenience store, currency exchange, or other store


or establishment.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that Claims 1-13 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees for the petition or for entry of this amendment to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,



C. Lamont Whitham

Reg. No. 22,424

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA, 22190

Phone: 703-787-9400
Fax: 703-787-7557